

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EMMA SERNA d/b/a Serna & Associates
Construction Co., LLC,

Plaintiff,

v.

CV 17-20 JB/WPL

MARGETTE WEBSTER; DAVID WEBSTER;
STATE OF NEW MEXICO, U.S. Judicial
Court Division; CLAYTON CROWLEY;
ALEX CHISHOLM; CARL BUTKUS; CINDY MOLINA;
ALAN MALOTT; BEATRICE BRICKHOUSE;
BOBBY JO WALKER; JAMES O'NEAL;
ROBERT BOB SIMON; ESTATE OF PAUL F. BECHT;
CARL A. CALVERT; JOEY MOYA; AMY MAYER;
GARCIA MADELIENE; ARTHUR PEPIN; MONICA ZAMORA;
CHERYL ORTEGA; JOHN DOE #1; PAT MCMURRAY;
MARTHA MUTILLO; SALLY GALANTER; NEW MEXICO
CONSTRUCTION INDUSTRIES DIVISION; ROBERT "MIKE"
UNTHANK; MARTIN ROMERO; AMANDA ROYBAL;
NAN NASH; and JOHN WELLS,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

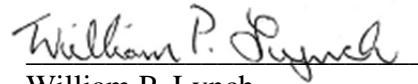
Pro se Plaintiff Emma Serna purports to bring numerous claims on behalf of herself and her business, Serna & Associates Construction Co., LLC. Serna has been warned that pro se parties may not bring claims on behalf of or represent other individuals or business entities. (*See* Doc. 9 (Rule 83.7 letter directing Serna to retain counsel for Serna & Associates); Doc. 44 (giving Serna an additional 30 days to find counsel for Serna & Associates, and reminding her that the business entity must be represented by counsel).) Despite the extremely long period of

time Serna has had to retain counsel for Serna & Associates, counsel has not entered an appearance on behalf of Serna & Associates.

District of New Mexico Local Rule 83.7 states that “[a] corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court.” In an unpublished decision, the Tenth Circuit explicitly stated that “[n]on-attorney pro se litigants cannot represent other pro se parties.” *Perry v. Stout*, 20 F. App’x 780, 782 (10th Cir. 2001) (unpublished) (citing 28 U.S.C. § 1654). Under both standards, Serna cannot represent Serna & Associates.

Despite being afforded ample opportunity to retain counsel, Serna & Associates remains unrepresented and incompetent to prosecute this action. Accordingly, I recommend that the Court dismiss without prejudice all claims purportedly brought by Serna & Associates and remove Serna & Associates from this case.

THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.